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PTO/SB/05 (08-00)

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**UTILITY  
PATENT APPLICATION  
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. 4446D1

First Inventor Joe Y.L. Lam et al.

Title NUCLEIC ACID LABELLED WITH EXTENDED RHODAMINE DYES

Express Mail Label No. EL 416 207 410 US

**BEST AVAILABLE COPY**Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231**APPLICATION ELEMENTS**

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
*(Submit an original, and a duplicate for fee processing)*
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages 95]  
*(preferred arrangement set forth below)*
  - Descriptive title of the Invention
  - Cross References to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings *(if filed)*
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [Total Sheets 0]
5.  Oath or Declaration [Total Pages 3]
  - a.  Newly executed (original or copy)
  - b.  Copy from a prior application (37 C.F.R. § 1.63(d))  
*(for continuation/divisional with Box 17 completed)*
  - DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76.

17. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP) of prior application No. 09 / 325,243 filed June 3, 1999

Prior application information:

Examiner: R. Covington

Group Art Unit: 1625

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a copy of the prior application is inadvertently omitted from the submitted application parts.

## 18. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number or Bar Code Label	22896 (Insert Customer No. or Attach bar code label here)			<input type="checkbox"/> Correspondence address below
PATENT TRADEMARK OFFICE				
Name				
Address				
City	State		Zip Code	
Country	Telephone		Fax	

Name (Print/Type)	Alex Andrus	Registration No. (Attorney/Agent)	44,509
Signature	<i>Alex A</i>	Date	Feb. 8, 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box 25102\_1 Patent Application, Washington, DC 20231.

## CERTIFICATION UNDER 37 CFR 1.10

**LAST AVAILABLE COPY**Express Mail Number: EL 416 207 410 USDate of Deposit: Feb. 9, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231.

PATTI SELAN

(Print Name of Person Mailing Application)

Patti Selan

(Signature of Person Mailing Application)

Docket No. 4446D1

## Transmittal of Continuation Patent Application For Filing Under 37 CFR 1.53(b)

PRIOR APPLICATION:      Examiner:      R. Covington      Art Unit: 1625

Assistant Commissioner for Patents  
Box: Patent Application  
Washington, D.C. 20231

JC996 U.S. PRO  
09/780600  
02/09/01



Sir:

This is a request for filing a  continuation  divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09 / 325,243 filed June 3, 1999 by Joe Y.L. Lam, Scott C. Benson and Steven M. Menchen entitled

### Nucleic Acids Labelled With External Rhodamine Dyes

1. Enclosed are:

- One stamped, self-addressed postcard for PTO datestamp.
- Certificate of Express Mail.
- One utility patent application containing text pages 1 - 95 and
  - 0 sheets of  formal  informal drawings.
- Application Data Sheet.
- Copy of executed Declaration of Inventorship from parent application serial no. 09/325,243.
- Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- A Preliminary Amendment.
- A new Power of Attorney.

2. Amendment

- Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- Please cancel original claims 1-45, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- Amend the specification by inserting before the first line the sentence: -- This application is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ which is a divisional / continuation of application serial no. \_\_\_\_\_ filed \_\_\_\_\_ . --

3. Extension of Time

- A petition for extension of time has been filed in the parent to extend the pendency of the parent to \_\_\_\_\_ (copy enclosed).
- Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing if required to establish copendency with the parent after all papers filed herewith have been considered.

4. Prior Documents Still in Effect

- This application and parent application Serial No. 09/325,246 filed June 1, 1999 are assigned of record to The Perkin-Elmer Corporation.
- Power of attorney in the above-identified prior application is to Alex Andrus, Reg. No. 44,509, and the other attorneys or agents identified therein.

5. Fees

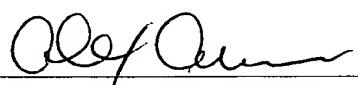
The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	30 - 20	10	X \$18	\$180.00
INDEPENDENT CLAIMS	1 - 3	0	X \$88	\$0.00
BASIC FEE				\$710.00
Multiple Dependency Fee If Applicable \$270.00				
Total				\$890.00
50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern				
TOTAL FILING FEE				\$890.00

- The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.
- A check in the amount of \$ \_\_\_\_\_ is enclosed.
- Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.  
DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,

Dated: Feb. 8, 2001

  
Alex Andrus, Reg. No. 44,509

Correspondence Address:

Customer Number 22896  
Applied Biosystems  
Patent Department M/S 432-2  
850 Lincoln Centre Drive  
Foster City, California 94404  
Telephone: 650-638-5607  
Facsimile: 650-638-6677

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# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 890)

P Complete if Known

Application Number	To be assigned
Filing Date	February 9, 2001 (herewith)
First Named Inventor	Joe Y.L. Lam et al.
Examiner Name	To be assigned
Group Art Unit	To be assigned

Attorney Docket No. 44-1001

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## METHOD OF PAYMENT (check one)

1.  The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:

Deposit Account Number 01-2213  
Deposit Account Name Applied Biosystems

- Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17  
 Applicant claims small entity status. See 37 CFR 1.27

2.  Payment Enclosed:

- Check  Credit card  Money  Other Order

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
101 710	201 355	Utility filing fee	710
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$ 710)

## 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
30	-20**=10	x 18	180

Independent Claims 1 -3 \*\* = 0 X 0 0

Multiple Dependent \_\_\_\_\_

\*\* or number previously paid, if greater; For Reissues, see below

Large Entity	Small Entity	Fee Description
Fee Code (\$)	Fee Code (\$)	
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 180)

## 3. ADDITIONAL FEES

## Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge – late filing fee or oath	
127 50	227 25	Surcharge – late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2520	147 2520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1840*	113 1840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 390	216 195	Extension for reply within second month	
117 890	217 445	Extension for reply within third month	
118 1390	218 695	Extension for reply within fourth month	
128 1890	228 945	Extension for reply within fifth month	
119 310	219 155	Notice of Appeal	
120 310	220 155	Filing a brief in support of an appeal	
121 270	221 135	Request for oral hearing	
138 1510	138 1510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive – unavoidable	
141 1240	241 620	Petition to revive – unintentional	
142 1240	242 620	Utility issue fee (or reissue)	
143 440	243 220	Design issue fee	
144 600	244 300	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Petitions related to provisional applications	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 710	246 355	Filing a submission after final rejection (37 CFR 1.129(a))	
149 710	249 355	For each additional invention to be examined (37 CFR 1.129(b))	
179 710	279 355	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			

\* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Alex Andrus	Registration No. (Attorney/Agent)	44,509	Telephone	650-638-5607
Signature	<i>Alex Andrus</i>			Date	Feb. 8, 2001

## WARNING:

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